

Woking Community Transport

Capability Policy & Procedure

Aims of this Procedure

It is recognised that from time to time, an individual's performance/capability may fall below the standards expected of a role. It is, therefore, important that the Society has a procedure in place which sets out how it will consider and deal with unsatisfactory performance due to lack of capability so that employees are given appropriate support to help them improve their performance. The Society expects this to be carried out fairly and consistently.

Procedure

1. What the Society expects from employees

1.1. The Society expects all employees to:

- Carry out their job to the standard that is expected of and required for the role;
- Understand the impact of their job performance on colleagues and service users;
- Engage fully in the WCT probation process;
- Clarify expectations, tasks, objectives and behaviours with their line manager if they are unclear about them;
- Bring all relevant issues which may affect their work and performance to the attention of their line manager at the earliest possible opportunity;
- Co-operate with their manager to help improve any aspects of their work and performance which are considered to be unsatisfactory;
- As requested, attend meetings to discuss any aspects of their performance that are considered unsatisfactory.

2. What employees can expect from the Society

2.1. You can expect the Society to:

- Treat performance issues fairly and consistently;
- Take action promptly and look into the root causes of the performance issue;
- Be clear about the required improvement and the relevant timescales;
- Give appropriate support, help and, where necessary, training to improve performance;
- Deal with minor unsatisfactory performance issues through informal intervention;
- Instigate the formal procedure only if there is no significant and lasting improvement in performance following informal intervention;

- Dismiss staff with appropriate notice if they do not perform their role to the required standards after being given the appropriate opportunity to improve as set out in this policy and procedure.

3. What the Society expects from line managers

3.1 The Society expects all of its line managers to:

- Set out clear expectations of performance and what is necessary to achieve that performance;
- Set objectives and monitor performance through the probation process for applicable employees, including conducting mid-probation and end-of-probation reviews, identifying areas of effective performance and any areas of performance that fall below the required standards and supporting the member of staff to be able to make the necessary improvement(s);
- Feedback constructively to employees on their performance as soon as possible after that performance has occurred, praising good performance and identifying where performance is below required standards;
- Identify where performance is not satisfactory at the earliest possible opportunity;
- Take action promptly where performance issues are identified, investigate the root causes of the performance issue(s), and meet with the member of staff to be clear about the required improvement, the relevant timescales and any support or intervention to assist improvement and document this in writing;
- To take advice from HR on the procedure to manage the process for improvement

4. Causes of unsatisfactory performance/lack of capability

4.1. Many factors may affect an employee's ability to perform their job to the required standard. Appropriate consideration should be given to factors put forward by employees where those factors are supported by evidence. Unsatisfactory performance caused by carelessness, lack of effort or negligence may not be a capability issue but a misconduct issue that will be addressed under the WCT Disciplinary Procedure. Unsatisfactory performance resulting from poor behaviour or attitude may be considered misconduct, depending on the circumstances. Similarly, unsatisfactory performance may be caused by health issues. Advice should be sought from the HR.

5. Informal Procedure

5.1. The line manager will discuss any concerns over an employee's performance with them in a timely manner, seek to identify the cause of their performance problem, and seek to assist them in improving their performance. Where appropriate, this may be done using a performance improvement plan (PIP). They will establish whether the poor performance is a matter of capability or misconduct. It will be dealt with under WCT's Disciplinary Policy and Procedure if it is judged to be misconduct.

5.2. In cases where it is determined that the incapability of a member of staff is affected or caused by health issues, the line manager should consider whether it is possible to adjust their working conditions or arrangements in the light of these issues on a temporary or longer-term basis in line

with WCT's Absence Policy and Procedure. If capability issues arise from a disability under the Equality Act, WCT has a duty to make reasonable adjustments in the workplace. In these cases, HR may obtain professional advice through Occupational Health or the employee's GP, and the employee will be expected to co-operate fully with this process.

5.3. Informal intervention is often enough to return unsatisfactory performance to satisfactory levels. The line manager will confirm to the employee in writing the concerns that they have, give the employee regular feedback (as may be appropriate in the circumstances) on their performance and advise them whether or not their performance has improved sufficiently to reach the required standard.

5.4. If, as a result of the informal process, the performance of the employee does not improve within a reasonable period, typically not less than two months or the improvement is not sustained or performance deteriorates; further, their line manager will move to the next stage which is to deal with their unsatisfactory performance through the formal procedure.

6. Formal Procedure

6.1. The employee will be invited in writing to attend a formal performance improvement meeting with their line manager. They have the right to be accompanied at this meeting by a 'companion' (work colleague or trade union representative, not acting in a legal capacity.) They will be provided in advance of the meeting with a written statement of the reasons why their performance is considered unsatisfactory. At the formal meeting, their companion is entitled to address the meeting, ask questions and confer privately with them. Written notes of the meeting will be taken. HR will generally be present to give advice.

6.2. The employee will be given at least five working days' notice of the meeting, and they and their representative should take all reasonable steps to attend. The meeting will only be re-arranged at their request in the following circumstances:

- They provide a good reason for not being able to attend
- Their work colleague/representative cannot make the arranged date.

6.3. If the meeting has to be re-arranged, they will be given at least two working days' notice of the revised timing. They will be expected to attend the revised meeting unless exceptional circumstances prevent them from attending. If they cannot participate, they should advise their line manager as soon as reasonably practicable before the meeting is due to take place.

6.4. If the re-arranged meeting is more than five working days from the original meeting date and their companion cannot make the re-arranged meeting, the staff member must find a replacement companion.

6.5. The formal performance improvement meeting may be adjourned if required to clarify or gather new information. The employee will be advised of how long the adjournment will last. The employee will be notified of any further information or clarification obtained and given a reasonable time to consider it before reconvening the meeting. The meeting may be reconvened on the same day if the clarification sought is minor or at a later date to allow further information to be considered by both sides.

6.6. Once the line manager is satisfied that all relevant information has been gathered and properly considered they will inform the member of staff in person, when applicable and followed in writing of their decision. Should a performance warning be issued, the employee will be notified of:

- The type of warning being issued
- The level of improvement required
- The period in which the improvement is expected to be achieved (the review period)
- The consequences if no improvement is made during the review period
- The date of the next formal meeting to consider progress after the review period
- The length of time the warning remains active
- Their right to appeal the decision.

6.7 The decision and action will be confirmed to the employee in writing, and they will receive a copy of the meeting notes. If they consider that the notes do not adequately reflect the discussion, they have the right to propose amendments to the record within five working days. Where these are agreed upon, the record will be duly amended. If their proposed amendments are not approved, their comments will be attached to the record.

7. Formal Warnings for Performance

7.1. All formal stages of the capability procedure must be followed in sequence. A formal review of progress must occur at the end of any warning period. A formal performance improvement meeting must precede the issue of any warning. The formal meeting to review progress against any previously issued warning will, if there has been no significant and lasting improvement, constitute the performance improvement meeting for the next level.

Stage 1: *First Written Warning*

7.2. If following a first performance meeting, the line manager deems that performance/capability is unsatisfactory, the employee will be given a first written warning

Stage 2: *Final Written Warning*

7.3. If there is insufficient improvement or if improvement is not sustained whilst the first written warning is still active, following a formal meeting, a final written warning will be issued setting out the exact details

Stage 3: *Dismissal*

7.4. If insufficient improvement or progress is not sustained whilst the final written warning is active, you will typically be dismissed by giving notice. The Society will set out in writing the reason for dismissal and their right of appeal.

8. Appeals

8.1 Appeals should be made within five working days of receipt of the letter confirming their warning, setting out the grounds for their appeal.



9. The Appeal Hearing

9.1. The Society will aim for an appeal, if warranted, to be heard within three weeks of the appeal being lodged unless otherwise agreed upon between the parties.

9.2. The Fleet Manager and CEO will hear Appeals against a First or Final written warning, respectively. The manager will have the authority to overturn the warning if appropriate but may not impose a higher-level warning. HR may be present to advise on proceedings. Written notes of the appeal hearing will be taken.

9.3. A Board Director will hear an appeal against dismissal.

9.4 After the hearing, the manager/Director hearing the appeal will, after satisfying themselves that all the relevant information has been gathered and adequately considered, advise the employee in writing of the outcome of the appeal. There is no further level of internal appeal.

N.B. This Capability procedure may not apply if you are under two years of service with WCT.

This policy is non-contractual and does not form part of employees' terms and conditions of employment, and may be subject to change at the discretion of the Chief Executive Officer.

Policy approved and authorised by CEO and WCT Board of Directors.

Dated: December 2023